

**House Study Bill 250 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON MOHR)

**A BILL FOR**

1 An Act relating to the judicial branch, including  
2 appropriations to the judicial branch, apportionment of  
3 district associate judges, video recordings, noncontract  
4 attorney appointment, and contracting authority.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FY 2023-2024 APPROPRIATIONS

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners, board of examiners of shorthand reporters, and commission on judicial qualifications; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2023; and maintenance, equipment, and miscellaneous purposes:

..... \$194,469,897

(1) Of the moneys appropriated in this lettered paragraph, no more than \$250,000 is allocated for reimbursement to the indigent defense fund created in section 815.11 for travel time claims as required under section 815.7A, subsection 2, if enacted by a 2023 Iowa Act relating to and making appropriations to the justice system.

(2) From the moneys appropriated in this lettered paragraph, the judicial branch shall fund the appointment of four new district associate judge positions and the associated support staff.

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, costs and fees for

1 interpreters and translators, and reimbursement of attorney  
2 fees paid by the state public defender:  
3 ..... \$ 3,600,000

4 c. For payment of expenses for court-ordered services  
5 provided to juveniles who are under the supervision of juvenile  
6 court services, which expenses are a charge upon the state  
7 pursuant to section 232.141, subsection 4:  
8 ..... \$ 3,290,000

9 (1) Of the moneys appropriated in this lettered paragraph,  
10 no more than \$1,556,000 is allocated to provide school-based  
11 supervision of children under chapter 232, of which no more  
12 than \$15,000 may be used for purposes of training. A portion  
13 of the cost of each school-based liaison officer shall be paid  
14 by the school district or other funding source as approved by  
15 the chief juvenile court officer.

16 (2) Of the moneys appropriated in this lettered paragraph,  
17 no more than \$748,000 is allocated for the payment of expenses  
18 for court-ordered services provided to children who are under  
19 the supervision of the department of health and human services,  
20 which expenses are a charge upon the state pursuant to section  
21 232.141, subsection 4.

22 (3) Notwithstanding section 232.141 or any other provision  
23 of law to the contrary, the moneys appropriated in this  
24 lettered paragraph shall be distributed to the judicial  
25 districts as determined by the state court administrator. The  
26 state court administrator shall make the determination of the  
27 distribution amounts on or before June 15, 2023.

28 (4) Notwithstanding chapter 232 or any other provision of  
29 law to the contrary, a district or juvenile court shall not  
30 order any service which is a charge upon the state pursuant  
31 to section 232.141 if there are insufficient court-ordered  
32 services moneys available in the district court distribution  
33 amounts to pay for the service. The chief juvenile court  
34 officer shall encourage use of the moneys appropriated in this  
35 lettered paragraph such that there are sufficient moneys to pay

1 for all court-ordered services during the entire fiscal year.  
2 The chief juvenile court officer shall attempt to anticipate  
3 potential surpluses and shortfalls in the distribution amounts  
4 and shall cooperatively request the state court administrator  
5 to transfer moneys between the judicial districts' distribution  
6 amounts as prudent.

7 (5) Notwithstanding any provision of law to the contrary,  
8 a district or juvenile court shall not order a county to pay  
9 for any service provided to a juvenile pursuant to an order  
10 entered under chapter 232 which is a charge upon the state  
11 under section 232.141, subsection 4.

12 (6) Of the moneys appropriated in this lettered paragraph,  
13 no more than \$83,000 may be used by the judicial branch  
14 for administration of the requirements under this lettered  
15 paragraph.

16 (7) Of the moneys appropriated in this lettered paragraph,  
17 \$23,000 is allocated to the judicial branch to support the  
18 interstate commission for juveniles in accordance with the  
19 interstate compact for juveniles as provided in section  
20 232.173.

21 d. For juvenile justice delinquency prevention pursuant to  
22 section 232.192, if enacted by 2023 Iowa Acts, Senate File 285  
23 or House File 699, or if not enacted, for juvenile delinquent  
24 graduated sanctions services pursuant to section 232.192, as  
25 enacted by 2022 Iowa Acts, chapter 1098, section 70:

26 ..... \$ 12,253,000

27 Any state moneys saved as a result of efforts by juvenile  
28 court services to earn a federal fund match pursuant to Tit.  
29 IV-E of the federal Family First Prevention Services Act  
30 of 2018, Pub. L. No. 115-123, for juvenile court services  
31 administration is appropriated to the judicial branch for  
32 purposes of this lettered paragraph.

33 2. The judicial branch, except for purposes of internal  
34 processing, shall use the current state budget system, the  
35 state payroll system, and the Iowa finance and accounting

1 system in administration of programs and payments for services,  
2 and shall not duplicate the state payroll, accounting, and  
3 budgeting systems.

4 3. The judicial branch shall submit monthly financial  
5 statements to the legislative services agency and the  
6 department of management containing all appropriated accounts  
7 in the same manner as provided in the monthly financial status  
8 reports and personal services usage reports of the department  
9 of administrative services. The monthly financial statements  
10 shall include a comparison of the dollars and percentage  
11 spent of budgeted versus actual revenues and expenditures on  
12 a cumulative basis for full-time equivalent positions and  
13 dollars.

14 4. The judicial branch shall focus efforts upon the  
15 collection of delinquent fines, penalties, court costs, fees,  
16 surcharges, or similar amounts.

17 5. It is the intent of the general assembly that the offices  
18 of the clerks of the district court operate in all 99 counties  
19 and be accessible to the public as much as is reasonably  
20 possible in order to address the relative needs of the citizens  
21 of each county. An office of the clerk of the district court  
22 shall be open regular courthouse hours.

23 6. In addition to the requirements for transfers under  
24 section 8.39, the judicial branch shall not change the  
25 appropriations from the amounts appropriated to the judicial  
26 branch in this division of this Act, unless notice of the  
27 revisions is given to the legislative services agency prior  
28 to the effective date. The notice shall include information  
29 on the judicial branch's rationale for making the changes and  
30 details concerning the workload and performance measures upon  
31 which the changes are based.

32 7. The judicial branch shall submit a semiannual update  
33 to the legislative services agency specifying the amounts of  
34 fines, surcharges, and court costs collected using the Iowa  
35 court information system since the last report. The judicial

1 branch shall continue to facilitate the sharing of vital  
2 sentencing and other information with other state departments  
3 and governmental agencies involved in the criminal justice  
4 system through the Iowa court information system.

5 8. The judicial branch shall provide a report to the general  
6 assembly by January 1, 2024, concerning the amounts received  
7 and expended from the court technology and modernization fund  
8 created in section 602.8108, subsection 7, during the fiscal  
9 year beginning July 1, 2022, and ending June 30, 2023, and the  
10 plans for expenditures from each fund during the fiscal year  
11 beginning July 1, 2023, and ending June 30, 2024.

12 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
13 provision to the contrary, for the fiscal year beginning July  
14 1, 2023, and ending June 30, 2024, if all parties in a case  
15 agree, a civil trial including a jury trial may take place in a  
16 county contiguous to the county with proper jurisdiction, even  
17 if the contiguous county is located in an adjacent judicial  
18 district or judicial election district. If the trial is moved  
19 pursuant to this section, court personnel shall treat the case  
20 as if a change of venue occurred.

21 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
22 602.1509, for the fiscal year beginning July 1, 2023, and  
23 ending June 30, 2024, a judicial officer may waive travel  
24 reimbursement for any travel outside the judicial officer's  
25 county of residence to conduct official judicial business.

26 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
27 the annual salary rates for judicial officers established by  
28 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year  
29 beginning July 1, 2023, and ending June 30, 2024, the supreme  
30 court may by order place all judicial officers on unpaid leave  
31 status on any day employees of the judicial branch are placed  
32 on temporary layoff status. The biweekly pay of the judicial  
33 officers shall be reduced accordingly for the pay period in  
34 which the unpaid leave date occurred in the same manner as  
35 for noncontract employees of the judicial branch. Through

1 the course of the fiscal year, the judicial branch may use an  
2 amount equal to the aggregate amount of salary reductions due  
3 to the judicial officer unpaid leave days for any purpose other  
4 than for judicial salaries.

5 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent  
6 of the general assembly that the judicial branch utilize  
7 the Iowa communications network or other secure electronic  
8 communications in lieu of traveling for the fiscal year  
9 beginning July 1, 2023, and ending June 30, 2024.

10 DIVISION II

11 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

12 Sec. 6. Section 602.6301, Code 2023, is amended to read as  
13 follows:

14 **602.6301 Number and apportionment of district associate**  
15 **judges.**

16 ~~1. There shall be one district associate judge in counties~~  
17 ~~having a population of more than thirty-five thousand and less~~  
18 ~~than eighty thousand; two in counties having a population of~~  
19 ~~eighty thousand or more and less than one hundred twenty-five~~  
20 ~~thousand; three in counties having a population of one~~  
21 ~~hundred twenty-five thousand or more and less than one hundred~~  
22 ~~seventy thousand; four in counties having a population of one~~  
23 ~~hundred seventy thousand or more and less than two hundred~~  
24 ~~fifteen thousand; five in counties having a population of two~~  
25 ~~hundred fifteen thousand or more and less than two hundred~~  
26 ~~sixty thousand; six in counties having a population of two~~  
27 ~~hundred sixty thousand or more and less than three hundred~~  
28 ~~five thousand; seven in counties having a population of three~~  
29 ~~hundred five thousand or more and less than three hundred~~  
30 ~~fifty thousand; eight in counties having a population of three~~  
31 ~~hundred fifty thousand or more and less than three hundred~~  
32 ~~ninety-five thousand; nine in counties having a population of~~  
33 ~~three hundred ninety-five thousand or more and less than four~~  
34 ~~hundred forty thousand; ten in counties having a population of~~  
35 ~~four hundred forty thousand or more and less than four hundred~~

1 ~~eighty-five thousand; and one additional judge for every~~  
2 ~~population increment of thirty-five thousand which is over~~  
3 ~~four hundred eighty-five thousand in such counties. However,~~  
4 ~~a county shall not lose a district associate judgeship solely~~  
5 ~~because of a reduction in the county's population. If the~~  
6 ~~formula provided in [this section](#) results in the allocation~~  
7 ~~of an additional district associate judgeship to a county,~~  
8 ~~implementation of the allocation shall be subject to prior~~  
9 ~~approval of the supreme court and availability of funds to the~~  
10 ~~judicial branch. The supreme court shall prescribe, subject~~  
11 ~~to the restrictions of this section, a formula to determine~~  
12 ~~the number of district associate judges who will serve in each~~  
13 ~~judicial election district. The formula shall be based upon~~  
14 ~~a model that measures and applies an estimated case-related~~  
15 ~~workload formula of judicial officers, and shall account for~~  
16 ~~administrative duties, travel time, and other judicial duties~~  
17 ~~not related to a specific case. A district associate judge~~  
18 ~~appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not~~  
19 ~~be counted for purposes of [this section](#) and the reduction of~~  
20 ~~a district associate judge pursuant to [section 602.6303](#) also~~  
21 ~~shall not be counted for purposes of [this section](#).~~

22 2. For purposes of this section, "vacancy" means the death,  
23 resignation, retirement, or removal of a district associate  
24 judge, or the failure of a district associate judge to be  
25 retained in office at the judicial election, or an increase in  
26 judgeships under the formula prescribed in subsection 1.

27 3. In those judicial election districts having more  
28 district associate judges than the number of judgeships  
29 specified by the formula prescribed in subsection 1, vacancies  
30 shall not be filled.

31 4. In those judicial election districts having fewer or  
32 the same number of district associate judges as the number of  
33 judgeships specified by the formula prescribed in subsection 1,  
34 vacancies shall be filled as the vacancies occur.

35 5. In those judicial districts that contain more than one

1 judicial election district, a vacancy in a judicial election  
2 district shall not be filled if the total number of district  
3 associate judges in all judicial election districts within  
4 the judicial district equals or exceeds the aggregate number  
5 of judgeships to which all of the judicial election districts  
6 of the judicial district are authorized by the formula in  
7 subsection 1.

8 6. An incumbent district associate judge shall not be  
9 removed from office because of a reduction in the number of  
10 authorized judgeships specified by the formula prescribed in  
11 subsection 1.

12 DIVISION III

13 VIDEO RECORDINGS

14 Sec. 7. Section 602.3205, Code 2023, is amended to read as  
15 follows:

16 **602.3205 Audio and video recordings.**

17 1. Except as provided in subsection 2 or 3, a certified  
18 shorthand reporter's audio and video recordings used solely  
19 for the purpose of providing a verbatim written transcript of  
20 a court proceeding or a proceeding conducted in anticipation  
21 of use in a court proceeding shall be considered the personal  
22 property and private work product of the certified shorthand  
23 reporter.

24 2. An audio or video recording of a certified shorthand  
25 reporter appointed under section 602.6603 shall be provided to  
26 the presiding judge or chief judge for an in camera review upon  
27 court order for good cause shown.

28 3. *a.* An audio or video recording of a certified shorthand  
29 reporter shall be provided to the board upon request by the  
30 board if a disciplinary proceeding is pending regarding the  
31 certified shorthand reporter who is a respondent under the  
32 provisions of section 602.3203 or the rules of the board of  
33 examiners of shorthand reporters, Iowa court rules, ch. 46.

34 *b.* The audio and video recordings provided to the board  
35 pursuant to this subsection shall be kept confidential by the

1 board in a manner as provided in [section 272C.6, subsection 4.](#)

2 DIVISION IV

3 NONCONTRACT ATTORNEY APPOINTMENT

4 Sec. 8. NONCONTRACT ATTORNEY APPOINTMENT. For the fiscal  
5 year beginning July 1, 2023, and ending June 30, 2024, a court  
6 shall not appoint a noncontract attorney under section 815.10,  
7 subsection 3, without the noncontract attorney's consent.

8 DIVISION V

9 CONTRACTING AUTHORITY

10 Sec. 9. NEW SECTION. 602.1209A State court administrator  
11 may contractually limit vendor liability.

12 1. The state court administrator may authorize the  
13 procurement of goods and services in which a contractual  
14 limitation of vendor liability is provided for and set forth in  
15 the documents initiating the procurement.

16 2. *a.* The state court administrator shall consider all of  
17 the following criteria when determining whether to permit a  
18 contractual limitation of vendor liability with regard to any  
19 procurement of goods or services:

20 (1) Whether authorizing a contractual limitation of vendor  
21 liability is necessary to prevent harm to the state from  
22 a failure to obtain the goods or services sought, or from  
23 obtaining the goods or services at a higher price if the state  
24 refuses to allow a contractual limitation of vendor liability.

25 (2) Whether the contractual limitation of vendor liability  
26 is commercially reasonable when taking into account any risk to  
27 the state created by the goods or services to be procured and  
28 the purpose for which they will be used.

29 *b.* The state court administrator may consider additional  
30 criteria.

31 3. Notwithstanding subsection 1, a contractual limitation  
32 of vendor liability shall not include any limitation on the  
33 liability of any vendor for intentional torts, criminal acts,  
34 or fraudulent conduct.

35 EXPLANATION

1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3           This bill relates to the judicial branch.

4           FY 2023-2024 APPROPRIATIONS. The bill appropriates moneys  
5 from the general fund of the state for FY 2023-2024 to the  
6 judicial branch for salaries, receipt and disbursement of  
7 child support payments, reimbursement of the auditor of state,  
8 maintenance, equipment, miscellaneous purposes, deposit in the  
9 revolving fund created pursuant to Code section 602.1302(3) for  
10 certain purposes, payment of court-ordered juvenile services,  
11 and juvenile delinquent programs and services.

12          The bill provides that a civil trial including a jury trial  
13 may take place in a county contiguous to the county with proper  
14 jurisdiction, even if the contiguous county is located in an  
15 adjacent judicial district or judicial election district, if  
16 all the parties in a case agree. If a trial is moved to another  
17 county that is located in another judicial district or judicial  
18 election district, the judicial officers serving the judicial  
19 district or judicial election district receiving the case shall  
20 preside over the case.

21          The bill permits a judicial officer to waive travel  
22 reimbursement for any travel outside the judicial officer's  
23 county of residence to conduct official business.

24          The bill allows a judicial officer to be placed on unpaid  
25 leave on any day a court employee is required to furlough.  
26 The bill provides that if a judicial officer is placed on  
27 unpaid leave, the salary of the judicial officer shall be  
28 reduced accordingly for the pay period in which the unpaid  
29 leave occurred. The bill provides that the judicial branch  
30 may use an amount equal to the aggregate amount of the salary  
31 reductions due to judicial officer unpaid leave for any purpose  
32 other than judicial salaries.

33          The bill states legislative intent that the judicial  
34 branch utilize the Iowa communications network or other secure  
35 electronic communications in lieu of traveling.

1 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES. The bill  
2 provides for a new formula to be prescribed by the Iowa supreme  
3 court for apportioning district associate judges based upon  
4 a weighted workload. Under current law, district associate  
5 judges are apportioned based upon county population.

6 The bill provides that in judicial election districts  
7 that currently have more district associate judges than the  
8 new formula prescribes, vacancies shall not be filled, while  
9 districts having fewer or the same shall fill vacancies as  
10 they occur. In judicial districts that contain more than one  
11 judicial election district, a vacancy in a judicial election  
12 district shall not be filled if the total number of district  
13 associate judges in all judicial election districts within  
14 the judicial district equals or exceeds the aggregate number  
15 of judgeships to which all of the judicial election districts  
16 of the judicial district are authorized. Incumbents shall  
17 not be removed because of a reduction in number of authorized  
18 judgeships.

19 VIDEO RECORDINGS. The bill adds video recordings to  
20 Code section 602.3205 (certified shorthand reporter audio  
21 recordings). The bill provides that a certified shorthand  
22 reporter's audio and video recordings used solely for the  
23 purpose of providing a verbatim written transcript of a court  
24 proceeding or a proceeding conducted in anticipation of use in  
25 a court proceeding shall be considered the personal property  
26 and private work product of the certified shorthand reporter,  
27 except that an audio or video recording of a certified  
28 shorthand reporter shall be provided to the presiding judge  
29 or chief judge for an in camera review upon court order  
30 for good cause shown and an audio or video recording of a  
31 certified shorthand reporter shall be provided to the board of  
32 examiners of shorthand reporters upon request by the board if  
33 a disciplinary proceeding is pending regarding the certified  
34 shorthand reporter.

35 NONCONTRACT ATTORNEY APPOINTMENT. For FY 2023-2024, the

1 bill prohibits a court from appointing a noncontract attorney  
2 under Code section 815.10(3) without the attorney's consent.

3 CONTRACTING AUTHORITY. The bill allows the state court  
4 administrator to enter into contracts with vendors that include  
5 limitations of liability for the vendors, after considering  
6 certain criteria set forth in the bill. However, the bill  
7 prohibits limitations of liability for any intentional torts,  
8 criminal acts, or fraudulent conduct by the vendor.